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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,708	08/05/2003	Juan R. Loaiza	OI7011443001	1877

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EXAMINER	
LY, CHEYNE D	

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/635,708	LOAIZA ET AL.	
	Examiner	Art Unit	
	Cheyne D. Ly	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/30/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 15-45 are examined on the merits.

OBJECTIONS

2. The amendment to the specification, filed August 05, 2003, does not indicate the current status of the parent nonprovisional application(s) which has been issued as a patent. See 37 CFR 1.78.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

4. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

5. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 15-45 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. US006618822B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are obvious variants as directed to the claimed invention. For example, the U.S. Patent No. US006618822B1 recites a process, computer program product, an system for accessing database recovery logs. The U.S. Patent does not explicitly recite the limitation of "insulating...more database recovery logs;" however, said U.S. Patent recites "generating a data dictionary snapshot; and translating...data dictionary snapshot" (claim 1), which is consistent with the limitation of "insulating" as defined by instant claim 16.

7. Further, it is noted that said U.S. Patent discloses "the data stored in the recovery log is presented as a relational database 'view'...This insulates the user from any changes that may be implemented to recovery log formats" (column 3, lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art, as supported by the specification of said U.S. Patent, that the inventions are obvious variants. "The

specification can always be used as a dictionary to learn the meaning of a term in the patent claim. Further, those portions of the specification which provide support for the patent claims may also be examined and considered when addressing the issue of whether a claim in the application defines an obvious variation of an invention claimed in the patent." (MPEP § 804 (II) (B) (1)).

CLAIM REJECTIONS - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 15, 19, 21, 26, 31, 36, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Triantafillou (1996) taken with Wiener et al. (1996) (Wiener hereafter).

11. In regard to claim 15, Triantafillou describes a method of accessing database (page 814, column 1, section 3.1.1) recovery logs (page 813, column 1, 2nd paragraph), said method comprising:

    a. Selecting one or more of said database recovery logs to access (page 813, column 1, last paragraph);

12. However, Triantafillou does not describe the limitation of establishing a view of said one or more database recovery logs; insulating said view from a format of said one or more database recovery logs; issuing a database statement to query said view; and retrieving data from said one or more database recovery logs in response to said database statement.

13. Triantafillou describes improvements to the existing recovery protocol to improve data access and availability as directed to system failures (Abstract etc.). Wiener proposed the use of materialized view for system crash recoveries (page 7, column 2, 2nd paragraph). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to improve the existing recovery protocol with the system crash recovery algorithm of Wiener and Triantafillou using materialized views for improved data access and availability.

14. Wiener describes:

    a. establishing a view of said one or more database recovery logs (page 3, section 2.2);

    b. insulating said view from a format of said one or more database recovery logs (page 6, column 1, lines 3-12);

c. issuing a database statement to query said view (page 5, columns 1-2, section 3.5);

d. and retrieving data from said one or more database recovery logs in response to said database statement (page 5, columns 1-2, section 3.5).

15. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to improve the existing recovery protocol with the system crash recovery algorithm of Wiener and Triantafillou using materialized views for improved data access and availability.

16. In regard to claim 19, Wiener describes said database statement is a SQL statement (page 6, section 5, columns 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to improve the existing recovery protocol with the system crash recovery algorithm of Wiener and Triantafillou using materialized views for improved data access and availability.

17. In regard to claim 21, Wiener describes said view is a relational view comprising at least one row and at least one column (page 6, section 5, columns 1-2). It is noted the SQL statements cited are directed to tables comprising rows and columns. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to improve the existing recovery protocol with the system crash recovery algorithm of Wiener and Triantafillou using materialized views for improved data access and availability.

18. In regard to claims 26, 31, 36, and 41, Wiener describes a computer program and system for implementing the method cited above (page 6, column 1, section 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to improve the existing recovery protocol with the system crash recovery algorithm of Wiener and Triantafillou using materialized views for improved data access and availability.

19. Claims 19, 20, 29, 30, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Triantafillou (1996) taken with Wiener et al. (1996) (Wiener hereafter) as applied to claims 15, 19, 21, 26, 31, 36, and 41 above, and further in view of Ramakrishnan (1998).

20. Triantafillou and Wiener describe the limitations of claims 15, 19, 21, 26, 31, 36, and 41 as cited above. However, Triantafillou and Wiener do not describe the limitation of "wherein time and/or date boundaries are established for said recovery logs."

21. Triantafillou describes improvements to the existing recovery protocol to improve data access and availability as directed to system failures (Abstract etc.). Wiener proposed the use of materialized view for system crash recoveries (page 7, column 2, 2nd paragraph). Ramakrishnan describes the well known in the art system crash recoveries as directed to databases (page 529, section 18.3). Therefore, one of ordinary skill in the art at the time of the invention would have been motivated by Triantafillou to improve the existing

recovery protocol in databases with the system crash recovery algorithm of Wiener as directed to the database described by Ramakrishnan.

22. In regard to claims 18, 29, and 39 Ramakrishnan describes the time boundaries are established for said recovery logs (pages 529-533, Figure 18.4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to improve the existing recovery protocol with the system crash recovery algorithm of Wieñer and Triantafillou using materialized views for improved data access and availability of databases described by Ramakrishnan.

23. In regard to claims 20, 30, and 40, Ramakrishnan describes the said recovery logs comprise an undo log and/or a redo log (pages 529-533, Figure 18.4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to improve the existing recovery protocol with the system crash recovery algorithm of Wiener and Triantafillou using materialized views for improved data access and availability of databases described by Ramakrishnan.

CONCLUSION

24. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your

application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

25. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached on (571) 272-4146.

C. Dune Ly /CDL
Patent Examiner
2/3/06

JEFFREY GAFFIN
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